

**TOWN OF BIG FLATS  
PLANNING BOARD  
MEETING MINUTES  
MARCH 2, 2010**

*Filed with  
Town Clerk  
March 11, 2010*

**6:30PM  
TOWN HALL  
MEETING ROOM**

---

**MEMBERS PRESENT:** Lance Muir, Carl Masler, Angela Piersimoni, John Hunter, Scott Esty

**MEMBERS ABSENT:** Jim Ormiston, Bob Byland, Dave Seely

**STAFF PRESENT:** Steve Polzella, Director of Planning, Tom Dobrydney, Planner, Brenda Belmonte, Secretary

**GUESTS:** Don Gaylord, Tina Lando, Guerry Howard, Alberta Howard, Carolyn Welliver, Jerry Welliver, Marcia Hudock

---

Chair Muir opened the meeting at 6:30pm, noting members Bob Byland, Jim Ormiston, and Dave Seely were absent.

**MINUTES**

February 2, 2010

**Motion by Esty, seconded by Piersimoni, to approve the minutes of February 2, 2010, Discussion, None, Motion Carries 4-0, with Seely abstaining.**

**RESOLUTION P-2010-7  
Howard SEQRA  
Tax Parcel 68.00-1-13.5  
Townsend Way**

Resolution by: Esty  
Seconded by: Piersimoni

**WHEREAS** this Board has received an application for RLO permit review and Site Plan review on December 18, 2009; and

**WHEREAS** this Board, as per Town of Big Flats Zoning Law 17.32.090, has determined the preliminary plat to be complete; and

**WHEREAS** this Board held a Public Hearing on Preliminary Plan on February 2, 2010 at the request of the applicant; and

**WHEREAS** the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617; and

**WHEREAS** the Planning Board has considered the Short Environmental Assessment Form and other materials submitted by the applicant in support of the proposed action, has considered the comments of its staff report, February 23, 2010, made via written memoranda to the Planning Board (which memoranda are incorporated herein by reference) and verbal commentary during the Planning Board's meetings pertaining to the review and evaluation of the proposed action;

**NOW, THEREFORE BE IT RESOLVED** the Planning Board of the Town of Big Flats hereby declares itself as lead agency and determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Unlisted action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration.

**CARRIED: AYES:** Esty, Hunter, Piersimoni, Muir, Masler  
**NAYS:**

Dated: Tuesday, March 2, 2010

**BIG FLATS, NEW YORK**

By order of the Planning Board of the Town of Big Flats

Lance Muir

Chairman, Planning Board

**RESOLUTION P-2010-8**

**Howard RLO**

**Tax Parcel 68.00-1-13.5**

**Townsend Way**

Resolution by: Muir

Seconded by: Esty

**WHEREAS** this Board has received an application for RLO permit review and Site Plan review on December 18, 2009; and

**WHEREAS** this Board, as per Town of Big Flats Zoning Law 17.32.090, has determined the preliminary plat to be complete; and

**WHEREAS** this Board held a Public Hearing on Preliminary Plan on February 2, 2010 at the request of the applicant; and

**WHEREAS** the proposed action is an Unlisted action pursuant to SEQRR 6 NYCRR Part 617 and the Big Flats Planning Board declared themselves as lead agency and found and made a negative declaration of significant environmental impact, Resolution P-2010-7; and

**WHEREAS** the Town of Big Flats Planning Board, based on submitted materials has determined the project will not have a significant visual impact and has determined the project's landscaping plan, lighting plan and site plan will not need to be designed by a licensed architect and waives that requirement;

**NOW, THEREFORE BE IT RESOLVED** the Town of Big Flats Planning Board grants an RLO permit and the following waivers related to this proposed action:

- 17.24.030 (G)
- 17.24.030 (I)(6)
- 17.24.030 (I)(10)

**CARRIED: AYES:** Esty, Hunter, Piersimoni, Muir, Masler  
**NAYS:**

Dated: Tuesday, March 2, 2010  
BIG FLATS, NEW YORK  
By order of the Planning Board of the Town of Big Flats  
Lance Muir  
Chairman, Planning Board

**RESOLUTION P-2010-9**  
**Howard Final Site Plan Approval**  
**Tax Parcel 68.00-1-13.5**  
**Townsend Way**

Resolution by: Esty  
Seconded by: Masler

**WHEREAS** this Board has received an application for RLO permit review and Site Plan review on December 18, 2009; and

**WHEREAS** this Board, as per Town of Big Flats Zoning Law 17.32.090, has determined the preliminary plat to be complete; and

**WHEREAS** this Board held a Public Hearing on Preliminary Plan on February 2, 2010 at the request of the applicant; and

**WHEREAS** the proposed action is an Unlisted action pursuant to SEQRR 6 NYCRR Part 617 and the Big Flats Planning Board declared themselves as lead agency and found and made a negative declaration of significant environmental impact, Resolution P-2010-7; and

**WHEREAS** the following are finding of fact:

- A. The applicant intends to construct a 2,250 Square foot home and a 101.5' Residential Wind Turbine
- B. The proposed project is to occur on an existing conforming lot that is partially within the Ridgeline Overlay District
- C. Such district requires the applicant to go through site plan, special permit, and to perform a visual impact assessment
- D. The Planning Board has determined the proposed project was "not to create a significant visual impact" (RESOLUTION P-2010-8)
- E. The applicant has shown the location of building sites and vegetation to be cleared on their site plan
- F. The applicant has sited the principal structure near the south end of the parcel, to be accessed with a long, existing driveway. The applicant has also shown the proposed location of the septic system, which is to be sited north of the principal structure
- G. The Chemung County Department of Health has approved a plan for a Norweco Singulair septic system on the property
- H. The proposed project, as submitted, is to possess a structure with a maximum height not to exceed 35 ft
- I. The applicant has submitted their application during the fall and winter therefore allowing for the visibility to be measured during a time of limited to no leaves
- J. Earth tone colors will be utilized as shown in the application materials to blend the house into the natural wooded setting.
- K. The applicant has indicated that very little clearing will be done as shown on the site plan.
- L. The applicant has shown, through the site plan, that visual buffers containing existing vegetation will remain
- M. Applicant has included a landscaping plan illustrating the proposed area to be cleared for the house and septic and the rest is to remain wooded.
- N. Proposed project appears to be cutting perhaps slightly more than a ¼ acre total, but it does not appear to be excessive in nature or clear cutting.
- O. Clear cutting restrictions will be followed on the property
- P. Every effort possible will be made to maintain all of the healthy mature trees when installing the drainage to protect the house
- Q. The applicant desires to maintain a wooded environment surrounding the house. Trees within safe distance from the septic system will be preserved
- R. Tree cutting will be limited whenever possible
- S. Light levels at any lot line will not exceed 0.20 foot-candle measured at ground level
- T. All outdoor light sources mounted on poles, buildings or trees will utilize fully shielded cut-off light fixtures approved by the International Dark Sky Association

- U. Parking for the proposed project is proposed south of the house
- V. The proposed project will not protrude above the ridgeline
- W. All utility lines will be underground where possible
- X. The amount of impervious surface shall not be in excess of 20%;  
and

**WHEREAS** the following are terms prior to endorsement of the final plat:

- A. The applicant shall submit copies of the Final Site Plan to the Director of Planning; and

**WHEREAS** the following are terms prior to obtaining a building permit:

- A. All appropriate erosion control measures for the lot shall be in place. The Big Flats Stormwater Officer and Code Enforcement Officers shall make final determination of appropriate measures
- B. A construction entrance shall be in place; and

**WHEREAS** the following are terms prior to obtaining a certificate of occupancy:

- A. All necessary permits and approvals for the lot in question shall be obtained from any other agency
- B. Permanent house numbers must be posted on dwellings
- C. There shall be no driveways placed where stone bound monuments and/or catch basins are to be set. It shall be the developer's responsibility to assure the proper placement of the driveways regardless of whether individual lots are sold. The Planning Board requires any driveway to be moved at the owner's expense if such driveway is at a catch basin or stone bound position
- D. The Applicant shall ensure that all Planning Board, Board of Health, and Public Works requirements are satisfied and that construction was in strict compliance with all approved plans and conditions; and

**WHEREAS** the following are general conditions for the project:

- A. There shall be no burying or dumping of construction material on site
- B. The location of any stump dumps on site must be pre-approved by the Director of Planning
- C. The contractor shall contact Dig Safe at least 72 hours prior to commencing any excavation
- D. Gas, Telephone, Cable, and Electric utilities shall be installed underground, and otherwise as specified by the respective utility companies
- E. Any action by a Town Board, Commission, or Department which requires changes in the placement of any easements or utilities, drainage facilities, grading or no cut lines, may be subject to modification by the Planning Board; and

**WHEREAS** the following are terms prior to any site work:

- A. Yellow "Caution" tape must be placed upon any tree to be cut and wooden stakes indicating the location of the primary building footprint shall be placed. The Director of Planning and a Code Enforcement Officer must be contacted to inspect this prior to any cutting and/or clearing on site

- B. All erosion and sediment control measures as outlined in the individual erosion control plans that will be developed for the site must be approved by the Big Flats Stormwater Officer and ensure that all stormwater is handled on site. In no case will stormwater from a construction site be permitted to enter roadside ditches; and

**WHEREAS** the following are terms throughout and during construction:

- A. Dust mitigation and roadway cleaning must be performed weekly, or as deemed necessary by the Director of Planning or a Code Enforcement Officer, throughout the construction process
- B. Hours of operation during construction are limited from 7 a.m. to 5 p.m., Monday through Friday and 8 a.m. – 5 p.m. on Saturdays. Construction is prohibited on Sundays and Town Holidays; and

**WHEREAS** the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board declared themselves as lead agency and found and made a negative declaration of significant environmental impact, Resolution P-2010-7; and

**NOW THEREFORE BE IT RESOLVED** the Town of Big Flats Planning Board grants Final Site Plan approval with the following conditions:

- **Stormwater Management** – Applicant shall utilize Best Management Practices for Construction
- **Property Maintenance** – The property shall be maintained pursuant to all state and local property maintenance laws
- **Construction Sequencing Plan** – Applicant will submit a construction sequencing plan to the Director of Planning prior to obtaining a building permit
- **As-Built Drawings** – The applicant shall provide to the Town of Big Flats final paper drawings and one digital copy certified by the design engineer reflecting as-built conditions showing any deviations from the approved site plan and all utility connections prior to obtaining a certificate of occupancy
- **Failure to comply** – Failure to comply with any condition of this approval, or any provision of the Town Municipal Code related to this application, shall constitute a violation subject to enforcement by legal action and shall render this approval null and void upon finding of such violation
- **Construction/Site Prep** – *No action related to this site plan shall occur prior to final site plan endorsement.* Construction activities shall only occur between the hours of 7:30 a.m. and 6:00 p.m. Monday through Saturdays and not on Town holidays.
- **Final Site Plan Endorsement** – All conditions, not related to a building permit or a Certificate of Occupancy, shall be met prior to final site plan endorsement.
- **Modification** – Any deviation from the approved site plan requires written approval from the Director of Planning and may require a site plan amendment
- Any future structures shall be placed so as to limit their visual impact on the viewshed to the greatest extent possible and in accordance with 17.32.170
- Any future structures shall blend in with the natural surroundings through preferred use of stone and/or natural wood siding and/or color

- Any future development of the site will preserve, to the maximum extent practicable, the existing vegetation
- Planned landscaping shall be preserved and maintained for a minimum of 3 (three) years after said landscaping is planted. This condition is in-place of a bond to ensure landscape survivability
- Future tree cuttings will be limited to less than one-fourth of an acre of contiguous area
- “Full cutoff light fixtures” will be utilized for all future outdoor lighting on said property

**CARRIED:** **AYES:** Esty, Hunter, Piersimoni, Muir, Masler  
**NAYS:**

Dated: Tuesday, March 2, 2010

BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

Lance Muir

Chairman, Planning Board

# **RESOLUTION P-2010-10**

## **Lando Site Plan**

**Tax Parcel # 58.03-1-4**

**1073 CR 64**

Resolution by: Hunter

Seconded by: Esty

**WHEREAS** the Town of Big Flats Planning Board received an application for site plan approval; and

**WHEREAS** the Town of Big Flats Zoning Board of Appeals has approved the request for an area variance for Minimum Lot Width based on the review of the criteria in the BFZL and a scale of business not to exceed 10 vehicles per calendar day, Resolution ZBA-1-2010; and

**WHEREAS** the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board declared themselves as lead agency and found and made a negative declaration of significant environmental impact, Resolution P-2009-48; and

**WHEREAS** the Chemung County Planning Board has reviewed this action pursuant to NYS Town Law and returned the action for local determination; and

**WHEREAS** the proposed action is to initiate an Office, General Business use in an existing structure utilizing an existing drive access; and

**NOW, THEREFORE BE IT RESOLVED** the Town of Big Flats Planning Board grants preliminary and final site plan approval with the following conditions:

- Every effort shall be made to keep the property visually neat and organized
- All Signage shall comply with Chapter 17.52 of the BFZL
- The Town of Big Flats Department of Planning shall be notified prior to any changes to the property and/or site plan.

**CARRIED: AYES:** Esty, Hunter, Masler, Piersimoni, Muir

**NAYS:**

Dated: Tuesday, March 2, 2010

**BIG FLATS, NEW YORK**

By order of the Planning Board of the Town of Big Flats

Lance Muir

Chairman, Planning Board

Discussion:

The ZBA granted a conditional variance at their meeting on February 23, 2010. The conditions state that the scale of the proposed use shall not exceed ten vehicles per day (average). Any future applicants would require additional review.

Esty commented that the driveway has been quite muddy lately. His concern is that the mud will be transferred onto the highway.

Polzella said there has been some discussion with regard to graveling or paving the driveway. Presumably the mud will be limited once the driveway is properly developed. Any future issues would be the responsibility of the county. Perhaps conditions should be added with regard to having a gravel base.

Esty feels that excess dirt on the road could create a traffic hazard.

Dobrydney explained that the applicant could not be held responsible for dirt or mud from the driveway.

**RESOLUTION P-2010-11**

**Welles SEQRA**

**Tax Parcel 47.00-1-46**

**Yawger Rd. Extension**

Resolution by: Muir

Seconded by: Esty

**WHEREAS** this Board has received an application for RLO permit review and Site Plan review on February 5, 2010; and



**WHEREAS** this Board, as per Town of Big Flats Zoning Law 17.32.090, has determined the preliminary plat to be complete; and

**WHEREAS** the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617; and

**WHEREAS** the Planning Board has considered the Short Environmental Assessment Form and other materials submitted by the applicant in support of the proposed action, has considered the comments of its staff report, February 23, 2010, made via written memoranda to the Planning Board (which memoranda are incorporated herein by reference) and verbal commentary during the Planning Board's meetings pertaining to the review and evaluation of the proposed action;

**NOW, THEREFORE BE IT RESOLVED** the Planning Board of the Town of Big Flats hereby declares itself as lead agency and determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Unlisted action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration.

**CARRIED: AYES:** Esty, Hunter, Piersimoni, Muir, Masler  
**NAYS:**

Dated: Tuesday, March 2, 2010  
BIG FLATS, NEW YORK  
By order of the Planning Board of the Town of Big Flats  
Lance Muir  
Chairman, Planning Board

**RESOLUTION P-2010-12**  
**Welles RLO**  
**Tax Parcel 47.00-1-46**  
**Yawger Rd. Extension**

Resolution by: Muir  
Seconded by: Piersimoni

**WHEREAS** this Board has received an application for RLO permit review and Site Plan review on December 18, 2009; and

**WHEREAS** this Board, as per Town of Big Flats Zoning Law 17.32.090, has determined the preliminary plat to be complete; and

**WHEREAS** the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board declared themselves as lead agency and found and

made a negative declaration of significant environmental impact, Resolution P-2010-11;  
and

**WHEREAS** the Town of Big Flats Planning Board, based on submitted materials has determined the project will not have a significant visual impact and has determined the project's landscaping plan, lighting plan and site plan will not need to be designed by a licensed architect and waives that requirement;

**NOW, THEREFORE BE IT RESOLVED** the Town of Big Flats Planning Board grants an RLO permit and the following waivers related to this proposed action:

- 17.24.030 (G)
- 17.24.030 (I)(6)
- 17.24.030 (I)(10)

**CARRIED: AYES:** Esty, Hunter, Piersimoni, Muir, Masler  
**NAYS:**

Dated: Tuesday, March 2, 2010  
BIG FLATS, NEW YORK  
By order of the Planning Board of the Town of Big Flats  
Lance Muir  
Chairman, Planning Board

**RESOLUTION P-2010-13**  
**Welles Preliminary**  
**Tax Parcel 47.00-1-46**  
**Yawger Rd. Extension**

Resolution by: Piersimoni  
Seconded by: Esty

**WHEREAS** this Board has received an application for RLO permit review and Site Plan review on December 18, 2009; and

**WHEREAS** this Board, as per Town of Big Flats Zoning Law 17.32.090, has determined the preliminary plat to be complete; and

**WHEREAS** the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board declared themselves as lead agency and found and made a negative declaration of significant environmental impact, Resolution P-2010-11;  
and

**WHEREAS** the following are finding of fact:

- A. The applicant intends to construct a 2,280 Square foot home and a 1,500 square foot pole barn

- B. The proposed project is to occur on an existing conforming lot that is partially within the Ridgeline Overlay District
- C. Such district requires the applicant to go through site plan, special permit, and to perform a visual impact assessment
- D. The Planning Board has determined the proposed project was “not to create a significant visual impact” (RESOLUTION P-2010-12)
- E. The applicant has shown the location of building sites and vegetation to be cleared on their site plan
- F. The applicant has sited the principal structure near the east of the parcel, to be accessed with a long driveway. The applicant has also shown the proposed location of the septic system, which is to be sited south of the principal structure
- G. The Chemung County Department of Health has approved a plan for a septic system on the property
- H. The proposed project, as submitted, is to possess a structure with a maximum height not to exceed 35 ft
- I. The applicant has submitted their application during the fall and winter therefore allowing for the visibility to be measured during a time of limited to no leaves
- J. Earth tone colors will be utilized as shown in the application materials to blend the house into the natural wooded setting.
- K. The applicant has indicated that very little clearing will be done as shown on the site plan.
- L. The applicant has shown, through the site plan, that visual buffers containing existing vegetation will remain
- M. Applicant has included a landscaping plan illustrating the proposed area to be cleared for the house and septic and the rest is to remain wooded.
- N. Proposed project appears to be cutting perhaps slightly more than a ¼ acre total, but it does not appear to be excessive in nature or clear cutting.
- O. Clear cutting restrictions will be followed on the property
- P. Every effort possible will be made to maintain all of the healthy mature trees when installing the drainage to protect the house
- Q. The applicant desires to maintain a wooded environment surrounding the house. Trees within safe distance from the septic system will be preserved
- R. Tree cutting will be limited whenever possible
- S. Light levels at any lot line will not exceed 0.20 foot-candle measured at ground level
- T. All outdoor light sources mounted on poles, buildings or trees will utilize fully shielded cut-off light fixtures approved by the International Dark Sky Association
- U. Parking for the proposed project is proposed south of the house
- V. The proposed project will not protrude above the ridgeline
- W. All utility lines will be underground where possible
- X. The amount of impervious surface shall not be in excess of 20%; and

**NOW THEREFORE BE IT RESOLVED** the Town of Big Flats Planning Board grants Preliminary Site Plan approval with the following conditions to be met prior to final site plan review:

- Documentation of Erosion and Sediment Control Measures, as per 17.37.080(B) of the BFZL
- Written verification of lawn clearance (extent of tree-less lawn)
- Written verification of height of proposed structures
- Lighting Plan
- Written verification of access to the property

**CARRIED:** AYES: Esty, Hunter, Piersimoni, Muir, Masler  
**NAYS:**

Dated: Tuesday, March 2, 2010  
 BIG FLATS, NEW YORK  
 By order of the Planning Board of the Town of Big Flats  
 Lance Muir  
 Chairman, Planning Board

**RESOLUTION P-2010-14**  
**Newcomer Variance Referral**  
**Tax Parcel # 67.01-1-38**  
**18 Somerset Dr., Elmira NY**

Resolution by: Muir  
 Seconded by: Piersimoni

**WHEREAS**, the Town of Big Flats Zoning Board of Appeals Rules of Procedures states all applications for variances shall be immediately referred to the Town of Big Flats Planning Board; and

**WHEREAS**, the Town of Big Flats Planning Board met and held discussion on the matter of a “Minimum Yard Requirements (Setbacks) Side” variance on March 2, 2010; and

**WHEREAS**, the applicant has indicated the proposed addition of an attached carport which would infringe on the required setback; and

**WHEREAS**, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617; and

**WHEREAS**, the Planning Board has deferred the SEQRA review to the Zoning Board of Appeals; and

**NOW, THEREFORE BE IT RESOLVED**, to send this variance request to the Town of Big Flats Zoning Board of Appeals for their determination with a favorable recommendation.

**CARRIED:** AYES: Esty, Piersimoni, Masler, Hunter, Muir  
**NAYS:**

Dated: Tuesday, March 2, 2010  
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats  
Lance Muir  
Chairman, Planning Board

**FARR SITE PLAN CONCEPT  
TAX PARCEL 66.02-2-31.17**

The proposed building will be used for private storage of equipment, along with the possibility of leasing space to another business.

Esty stated that Palmer Rd Ext, which runs in front of the applicant's property, is technically a dirt path. He is concerned about stones and mud on Daniel Zenker Dr., and would like to see conditions put in place to keep the road clean.

Polzella explained that Palmer Rd Ext is a town road.

**MEMBERS COMMENTS**

Regional Conference, April 15<sup>th</sup> at Corning Community College.

STEG meeting March 16, 2010, 7:00pm at the Community Center.

Review of ongoing projects.

**Motion to adjourn at 7:50pm by Piersimoni, seconded by Esty, discussion, None,  
Motion carries 5-0.**

**Meeting adjourned at 7:51pm**